

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ONESTAR LONG DISTANCE, INC., and AS TELECOMMUNICATIONS, INC.	DOCKET NO. WRU-01-45-526
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ORDER DENYING REQUEST FOR WAIVER

(Issued December 10, 2001)

On September 25, 2001, OneStar Long Distance, Inc. (OneStar), filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2). The subrule establishes the requirements for obtaining individual customer verification, which is required before a change can be made to the customer's local or long distance provider. The filing was identified as Docket No. WRU-01-45-526.

In the waiver request, OneStar states that it signed a purchase agreement on August 30, 2001, with AS Telecommunications, Inc. (Allstar), which includes Allstar's customer base of approximately 15 subscribers in Iowa. OneStar is a telecommunications carrier providing resold long distance, resold local exchange service, and data services in Iowa. While OneStar does not currently have any local service customers in Iowa, it does have long distance customers. As a result of the transfer of assets, OneStar states it will provide the same services nationwide that are currently being provided by Allstar in Iowa.

In its request, OneStar states that a waiver of 199 IAC 22.23(2), will serve the public interest by ensuring no degradation in the quality of service or interruption in service for the customers of Allstar. In addition, OneStar and Allstar claim that a notice will be sent to all of their customers informing them of the impending transaction, thereby complying with the intent of the subscriber verification rules. The notice, attached to the waiver request, provides that the change in carriers should not result in any charges to the customers, that the rates to Allstar customers will remain the same, that the customer has the right to change their long distance carrier if desired, and provides a toll free number for questions. The Board finds, however, that this notice does not meet all of the requirements of 199 IAC 22.23(2).

The Board also finds that the request does not meet the requirements of the Board's waiver rule, 199 IAC 1.3. OneStar has not shown by clear and convincing evidence that it will suffer an undue hardship from the application of the rule and the Board finds that consideration of all relevant factors does not support a granting of the request. OneStar will be required to notify each of its 15 Iowa customers of the change in carriers pursuant to 199 IAC 22.23(2).

IT IS THEREFORE ORDERED:

1. The request for the waiver of 199 IAC 22.23(2) filed by OneStar Long Distance, Inc., on September 25, 2001, is denied.

2. OneStar Long Distance, Inc., shall notify each of its 15 customers in Iowa of the impending change in carriers, pursuant to the requirements of 199 IAC 22.23(2).

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 10th day of December, 2001.